

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

THE ESTATE OF ELEANOR HODGES,)	
SUSAN M. SCHOCH, EXECUTRIX,)	
)	Civil Action
Plaintiff)	No. 12-cv-01698
)	
vs.)	
)	
GREEN MEADOWS and)	
EMERITUS ASSISTED LIVING,)	
)	
Defendants)	

O R D E R

NOW, this 29th day of March, 2013, upon consideration
of the following documents:

- (1) Defendant's Rule 12(b)(6) Motion to Compel Arbitration and Dismiss Counts II, III, and IV of the Complaint, which motion was filed on April 10, 2012, together with
 - (A) Memorandum of Law in Support of Defendant's Motion to Dismiss Pursuant to Fed.R.C.P. 12(b)(6);
 - (B) Agreement to Resolve Disputes by Binding Arbitration, dated March 25, 2010, Exhibit A to defendants' motion to compel and memorandum; and
 - (C) Complaint filed March 15, 2012 in the Court of Common Pleas of Lehigh County, Pennsylvania in case number 2011-C-1831, Exhibit B to defendants' motion to compel and memorandum;
- (2) Plaintiff's Opposition to Defendants' 12(b)(6) Motion to Compel Arbitration, which opposition was filed on August 10, 2012, together with
 - (A) Plaintiff's Brief in Support of Opposition to Defendants' 12(b)(6) Motion to Compel Arbitration; and

(B) Exhibits to plaintiff's brief:

- Exhibit 1: Complaint filed March 15, 2012
- Exhibit 2: Affidavit of Susan M. Schoch, Executrix
- Exhibit 3: Arbitration Agreement;
- Exhibit 4: AAA Consumer Arbitration Procedures
- Exhibit 5: arbitration panel biographies
- Exhibit 6: Article on The Costs of Arbitration, Public Citizens Congress Watch, April 2002
- Exhibit 7: Interim Account of the Estate of Eleanor J. Hodges, Deceased
- Exhibit 8: proposed Order denying motion to compel arbitration
- Exhibit 9: Certificate of Service of plaintiff's opposition and plaintiff's brief;

(3) Reply Brief in Support of Defendant's 12(b)(6) Motion to Compel Arbitration, which reply brief was filed on September 5, 2012, together with

(A) Exhibits to defendants' reply brief:

- Exhibit A: June 20, 2012 Order approving joint motion
- Exhibit B: Plaintiff's July 30, 2012 deposition transcript
- Exhibit C: Arbitration Agreement
- Exhibit D: Fee and Representation Agreement; and

(4) Notice of Removal filed April 4, 2012, together with

(A) Exhibits to Notice of Removal:

Exhibit A: Praecipe for Summons and
Writ of Summons filed
May 12, 2012
Exhibit B: Complaint filed March 15,
2012
Exhibit C: Notice of Filing of
Notice of Removal dated
April 4, 2012
Exhibit D: Civil Cover Sheet and
Case Designation Sheet;

and for the reasons expressed in the accompanying Opinion,

IT IS ORDERED that Defendant's Rule 12(b) (6) Motion to Compel Arbitration and Dismiss Counts II, III, and IV of the Complaint is granted.

IT IS FURTHER ORDERED that plaintiff's Complaint is dismissed without prejudice to raise in arbitration the issues contained in the dismissed Complaint.

IT IS FURTHER ORDERED that the parties are directed to submit this dispute to arbitration, as provided by the Agreement to Resolve Disputes by Binding Arbitration, attached to defendant's motion to compel and memorandum as Exhibit A.

IT IS FURTHER ORDERED that the Clerk of Court mark this case closed for statistical purposes.

BY THE COURT:

/s/ James Knoll Gardner
James Knoll Gardner
United States District Judge